

**REAL ESTATE APPRAISERS BOARD
MAY 20, 2009**

PRESENT: Marla Britton, Sharon Fiedler, Micquel Hoffman (connected by phone at 12:25 p.m. and disconnected 1:55 p.m. – approximate times), Mark Kowbel, Karen Scott, Henry Simon

EXCUSED: None.

STAFF PRESENT: Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff

GUESTS: Debbi Conrad, Wisconsin Realtors Associations (WRA); Mary Reavey, Milwaukee; Edward Potter, Village of Mt. Pleasant, WCAI, WAAO, RBR

OPEN SESSION – CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:09 a.m. A quorum of five (5) members was present.

ADOPTION OF AGENDA

Amendments to Agenda:

- Correction of spelling: (open & closed session) Change Vodermann to Vordermann
- After Item “D” (open session) Presentation of Proposed Stipulations by the Division of Enforcement or any Submitted after Printing of the Agenda:
 - Susan A. Buchholtz 08 APP 010
- Before Item “H” (closed session) Monitoring Reports or any Received after Mailing of the Agenda
 - Colleen Litfin – Requesting Reinstatement
- After Item “M” (closed session) Deliberation on Proposed Stipulations or any Signed after Mailing of the Agenda
 - Susan A. Buchholtz 08 APP 010

MOTION: Karen Scott moved, seconded by Mark Kowbel, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 25, 2009

Amendments to Minutes:

- Page 9 of the Minutes: Change the motion for Helen R. Patenaude LS08087072APP as follows: “Motion carried ~~unanimously~~. Opposition – 1”

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to approve the minutes of February 25, 2009 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT TOM RYAN, BUREAU DIRECTOR

Tom Ryan introduced himself as Bureau Director to the Board. The Board was then provided with additional information relating to reorganization, which combined the Office of Legal Counsel and the Division of Board Services into the Division of Board Services.

Introduction of New Management Team Members, Hector Colon & Gail Sumi

Tom Ryan advised the Board that Gail Sumi, recently appointed Division of Board Services Administrator, would not be available for introductions as she is staffing another meeting today. Hector Colon appeared before the Board to introduce himself and then proceeded with an update on the status of the state budget.

Update on 2009 Meeting Schedule: October 7, 2009 Meeting (via teleconference) Added

The Board requested the addition of a teleconference meeting to be conducted in October.

MOTION: Karen Scott moved, seconded by Henry Simon, to add the October 7, 2009 teleconference meeting to the Board’s meeting schedule. Motion carried unanimously.

Motion to Designate Hearings and Appeals Attorney as ALJ

Ruby Jefferson-Moore provided the Board with background relating to the move of the Administrative Law Judge (ALJ) function to the Division of Hearings and Appeals. It was also advised that there are still a few cases pending under the Department’s purview but it is anticipated that these cases will be concluded within a week of today’s meeting.

MOTION: Karen Scott moved, seconded by Mark Kowbel, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Ruby Jefferson-Moore reviewed the summary reports with the Board.

LEGISLATION AND ADMINISTRATIVE RULES

Discussion Regarding City of Milwaukee Legislation - Licensing of Appraisers

Mary Reavey, Chair of the REA Education and Experience Advisory Committee, appeared to discuss the City of Milwaukee's promulgation of legislation which would require licensing or certification to practice appraisal in Wisconsin. Mary Reavey indicated that there have been some changes to this rule draft and reviewed those changes with the Board. One of the changes of note was the inclusion of an exemption for practice for those individuals that are supervised by a credential holder. Mary Reavey indicated that it is anticipated that a revised rule draft will be available for the Board at its August meeting. Comments were provided by Debbi Conrad, Wisconsin Realtors Association, throughout the course of Board discussion.

PRESENTATION OF PROPOSED STIPULATIONS BY DOE OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA

A presentation was given by the Division of Enforcement on the following Stipulations:

1. Scott J. Schneider 07 APP 030
2. Christopher J. Suick 08 APP 029
3. Gregory L. Vordermann 08 APP 073
4. Beatta K. Christoffersen 07 APP 068
5. Susan A. Buchholtz 08APP 010

During the course of presentations of proposed stipulations a notation was requested which advises that Appraisers that are supervising trainees should reference USPAP requirements for clarity in the types of work that can be delegated.

EDUCATION AND EXAMS

Discussion Relating to Instructor Qualifications

Susan Bird, Office of Education and Examinations, appeared before the Board to obtain feedback relating to instructor qualification requirements for continuing education courses. The Board discussed whether to include individuals other than licensed or certified appraisers as continuing education course instructors. The Board requested that Tom Ryan and Ruby Jefferson-Moore provide a recommendation relating to qualifications for continuing education instructors at a future meeting.

ENFORCEMENT

Update Regarding Appraiser Review Project

Lara Herman, DOE Attorney, appeared before the Board to provide an update relating to the Division of Enforcement's (DOE) Appraiser Review Project which would contract with appraiser credential holders, on a volunteer basis, to serve as professional experts. These contracted professional experts would conduct the review of three (3) appraisal reports to check for compliance with USPAP standards. The Board noted that these professional experts would then be able to act as expert witnesses for the cases that they identify as non-compliant with federal standards. The Board was informed that five (5) volunteers have been identified and have agreed to complete a predetermined number of reviews on a monthly basis. Lara Herman advised the Board that she would advise the Board of updates on the status of this project.

Discussion Regarding Creating a Discipline Range Guide Based on Level of USPAP Violation

Candace Bloedow, DOE Investigator, addressed the Board regarding the creation of a reference to establish advisory guidelines to identify appropriate discipline for different levels of USPAP violations. It was indicated that if the Board decided to create these disciplinary guidelines maintenance of this information should be anticipated.

MOTION: Henry Simon moved, seconded by Mark Kowbel, to direct the Department to build a range of history of disciplinary action taken by the Board for no less than the last two (2) years, but no more than the last four (4) years. Motion carried unanimously.

APPRAISAL FOUNDATION

Review and Discussion of the Appraisal Institute's Model Legislation Regarding Regulation of Appraiser Management Companies

The Board tabled discussion of this item until its August meeting.

APPRAISAL STANDARDS BOARD OF THE APPRAISAL FOUNDATION

Update & Discussion of the Appraisal Standards Board Revision of USPAP for the 2010-2011 Final Draft

Ruby Jefferson-Moore reported that revisions to the final draft of the 2010-2011 USPAP Standards have been made and have been approved by the Appraisal Standards Board. The revised standards will become effective as of January 1, 2010 with publication anticipated for November.

TRAVEL

Report by Marla Britton Relating to the AARO 2008 Fall Conference, Washington, DC October 4-7, 2008

Marla Britton provided a report on her experience at the AARO 2008 Fall Conference in Washington, DC.

The Board noted that the 2009 AARO Conference will be held October 10-13, 2009 in Washington, DC. The Board will select a delegate to attend AARO at its next meeting.

PRACTICE ISSUES

Inquiry Regarding a Reciprocal Agreement from Connecticut

Ruby Jefferson-Moore reviewed a request for reciprocal agreement with the Board. Attorney Jefferson-Moore informed the Board that she has conducted a comparison between Wisconsin and Connecticut. Certain provisions put forth by Connecticut were identified and discussed. Ruby Jefferson-Moore indicated that she will continue her review of this potential reciprocal agreement.

BOARD MEMBER ACTIVITY

It was reported that Karen Scott and Sharon Fiedler have recently completed the Department's Case Advisor training, Marla Britton and Mark Kowbel will be attending the September session and Henry Simon is hoping to attend in the near future.

The Board was then advised that Mark Herman provided a presentation to the Fox Valley Realtors Association at the request of Sharon Fiedler.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Karen Scott moved, seconded by Mark Kowbel, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Mark Kowbel-yes, Karen Scott-yes; and Henry Simon-yes.

Open Session recessed at 12:14 p.m.

(Miquel Hoffman was connected to the meeting around 12:25 p.m. and disconnected from the meeting at approximately 1:55 p.m.)

RECONVENE TO OPEN SESSION

MOTION: Henry Simon moved, seconded by Karen Scott, to reconvene into Open Session at approximately 2:10 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON
IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

**MONITORING REPORTS OR ANY RECEIVED AFTER MAILING OF
AGENDA**

**COLLEEN LITFIN
REQUESTING REINSTATEMENT**

The Board tabled deliberation of this request pending receipt of additional information.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR
ANY RECEIVED AFTER MAILING OF AGENDA**

09 APP 009

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to close case **09 APP 009** for prosecutorial discretion (P3). Motion carried unanimously.

09 APP 025

MOTION: Mark Kowbel moved, seconded by Sharon Fiedler, to close case **09 APP 025** for prosecutorial discretion (P7). Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS OR
ANY SIGNED AFTER MAILING OF AGENDA**

SCOTT J. SCHNEIDER 07 APP 030

MOTION: Karen Scott moved, seconded by Mark Kowbel, to adopt the Stipulations, Findings of Facts, Conclusions of Law and Order in the matter of **Scott J. Schneider 07 APP 030**. Motion carried unanimously.

CHRISTOPHER J. SUICK 08 APP 029

MOTION: Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the Stipulations, Findings of Facts, Conclusions of Law and Order in the matter of **Christopher J Suick 08 APP 029**. Motion carried unanimously.

GREGORY L. VORDERMANN 08 APP 073

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to adopt the Stipulations, Findings of Facts, Conclusions of Law and Order in the matter of **Gregory L. Vordermann 08 APP 073**. Motion carried unanimously.

BEATTA K. CHRISTOFFERSEN 07 APP 068

MOTION: Mark Kowbel moved, seconded by Karen Scott, to adopt the Stipulations, Findings of Facts, Conclusions of Law and Order in the matter of **Beatta K. Christoffersen 07 APP 068**. Motion carried unanimously.

SUSAN A. BUCHHOLZ 08 APP 010

MOTION: Karen Scott moved, seconded by Mark Kowbel, to adopt the Stipulations, Findings of Facts, Conclusions of Law and Order in the matter of **Susan A. Buchholz 08 APP 010**. Motion carried unanimously.

**DELIBERATION ON THE PETITIONS FOR SUMMARY SUSPENSION OR
ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

None.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS
OR ANY RECEIVED AFTER PRINTING OF AGENDA**

**08 APP 098
(L.M.R.)**

MOTION: Sharon Fiedler moved, seconded by Mark Kowbel, to issue the administrative warning in the matter of 08 APP 098 (L.M.R).
Motion carried unanimously.

(Note: This administrative warning was amended from what was originally provided as there was an error in the document provided in the packet.)

**DELIBERATION ON PROPOSED DECISIONS OR ANY
SIGNED AFTER PRINTING OF THE AGENDA**

DON J. GROGAN, JR. AND OBJECTIONS LS0811141APP

MOTION: Mark Kowbel moved, seconded by Henry Simon, to adopt the proposed Final Decision and Order in the matter of disciplinary proceedings against **Don J. Grogan, Jr. (LS0811141APP)**.
Motion carried. Abstained: Sharon Fiedler

(Sharon Fiedler abstained from deliberation of this proposed decision.)

RAY K. MILLER, JR. AND OBJECTION LS0703081APP, LS0710022APP

MOTION: Mark Kowbel moved, seconded by Sharon Fiedler, to table deliberation in the matter of disciplinary proceedings against **Ray K. Miller, Jr. (LS0703081APP, LS0710022APP)**. Motion carried unanimously.

ROBERT E. WILL AND OBJECTION LS0708152APP

MOTION: Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the explanation of variance and revise the Order in the matter of disciplinary proceedings against **Robert E. Will (LS0708152APP)**. Motion carried. Abstained: Karen Scott

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to authorize the Department to sign on behalf of Marla Britton, Chair, in the matter of disciplinary proceedings against **Robert E. Will (LS0708152APP)**. Motion carried. Abstained: Karen Scott

(Karen Scott abstained from deliberation of this proposed decision.)

**DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER PRINTING
OF AGENDA**

None.

**PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF
AGENDA**

None.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER PRINTING OF
AGENDA**

None.

EXAMINATION ISSUES

None.

CONSULTING WITH LEGAL COUNSEL

Legal Counsel, Ruby Jefferson-Moore was available for consultation throughout the duration of the meeting.

ADJOURNMENT

MOTION: Karen Scott moved, seconded by Henry Simon, to adjourn the meeting at 2:20 p.m. Motion carried unanimously.

**NEXT MEETING:
AUGUST 12, 2009**